

REMARKS

The Office Action dated July 17, 2007, has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto.

By this Amendment, claims 1, 3, and 5 are amended. No new matter is presented. Claims 1-6 are pending and respectfully submitted for consideration.

Interview

The Applicants wish to thank the Examiner for the interview granted on October 16, 2007. In the interview, claim 1 and the Newell (U.S. Patent No. 5,651,064) and Downs et al. (U.S. Patent No. 6,574,609) references were discussed. As a result of the interview, the Examiner indicated that further consideration would be given to the pending claims.

Rejection Under 35 U.S.C. § 112

Claims 1-6 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The Applicants have amended claims 1, 3, and 5 responsive to the rejection. Accordingly, the Applicants respectfully request withdrawal of the rejection.

Rejection Under 35 U.S.C. § 102

Claims 1-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Newell in view of Downs. Claim 2 depends from claim 1, claim 4 depends from claim 3, and claim 6 depends from claim 5.

Newell is cited for disclosing many of the claimed elements of the invention with the exception of restoring the second encrypted information data into the first encrypted information data and recording the information data in the first recording medium,

whereby the second encrypted information data recorded in the second recording medium is different from the first encrypted information data recorded in the first recording medium. Downs is cited for curing this deficiency.

The Applicants traverse the rejection and respectfully submit that claims 1-6 recite subject matter that is neither disclosed nor suggested by the combination of Newell and Downs.

Claim 1 recites, in part, the method for recording and reading information data comprising *inter alia* the steps of encrypting the first encrypted information data in accordance with an identification data of the second recording medium to produce second encrypted information data and restoring the second encrypted information data into the first encrypted information data and recording the information data in the first recording medium, whereby the second encrypted information data recorded in the second recording medium is different from the first encrypted information data recorded in the first recording medium.

Claim 3 recites, in part, a system for recording and reading information data comprising *inter alia* encrypting means for encrypting the first encrypted information data in accordance with an identification data of the second recording medium, recording means for recording the second encrypted information data in the second recording medium and restoring the second encrypted information data into the first encrypted information data so as to record the information data in the first recording medium, whereby the second encrypted information data recorded in the second recording medium is different from the first encrypted information data recorded in the first recording medium.

Claim 5 recites, in part, a system for recording and reading information data comprising *inter alia* recording means for restoring the second encrypted information data into the first encrypted information data so as to record the information data in the first recording medium and that the second encrypted information data recorded in the second recording medium is different from the first encrypted information data recorded in the first recording medium.

According to the method and system of the present invention, when the information data recorded in the first recording medium is to be recorded in the second recording medium (for backup), the information data is at first encrypted in accordance with the identification data of the second recording medium, and then recorded in the second recording medium. Accordingly, the content recorded in the second recording medium may be different from that recorded in the first recording medium. Therefore, it is possible to prevent the copying of identical information, while at the same time allowing a lawful user to perform data recording for the purpose of backup. In this way, if the information data recorded in the first recording medium is accidentally destroyed, the same data can be restored in accordance with the identification data of the second recording medium and can be recorded back into the first recording medium.

Newell discloses a system for preventing unauthorized copying of recorded information. Newell's system has a number of independently identifiable storage media holding the information in encrypted form and a number of drives for driving the storage media, the drives each having a key which decrypts the information on at least one of the storage media. The drives are in communication with a host computer which compares the identities of the storage media with each other and with an authorized list

of identities. Should an identity be unauthorized, indicating unauthorized copying, the host computer sends a message to the corresponding drive that disables either that drive or the storage medium having that identity. See the Abstract of Newell. As such, Newell is directed to preventing unlawful copying of recorded information, but does not disclose or suggest preparing a backup copy for a user's legally obtained information data to make it possible to reproduce accidentally destroyed information data using the steps recited in claim 1 or the system recited in claims 3 and 5.

Downs discloses a method of managing content data and associated metadata. According to the method in Downs, the content data and the associated metadata are generated. The content data is transferred to a content host, while the metadata and usage condition data for the associated content are transferred to an electronics store. The metadata and/or the usage condition data are altered in order to form promotional data which is then transferred from the electronics store to a customer's system.

The Applicants respectfully submit that Downs fails to cure the deficiencies in Newell, as Downs also does not disclose or suggest at least the feature of preventing unlawful copying, specifically, second encrypted information data recorded in the second recording medium being different from the first encrypted information data recorded in the first recording medium, as recited in claims 1, 3, and 5. Downs also does not disclose or suggest at least the feature of preparing a backup copy, specifically, restoring the second encrypted information data into the first encrypted information data and recording the information data in the first recording medium, as recited in claims 1, 3, and 5. As such, the Applicants respectfully submit that the

combination of Newell and Downs fails to disclose or suggest the claimed features of the invention.

To establish a *prima facie* case of obviousness, each and every feature of a rejected claim must be taught or suggested by the applied art of record. See M.P.E.P. § 2143.03.

In view of the above, the Applicants respectfully submit that Newell and Downs fail to support a *prima facie* case of obviousness for purposes of a rejection of claims 1, 3, and 5 under 35 U.S.C. § 103. Accordingly, claims 1, 3, and 5 are not rendered obvious in view of Newell and Downs and should be deemed allowable.

Conclusion


The Applicants respectfully submit that claims 1, 3, and 5 are allowable. Claim 2 depends from claim 1, claim 4 depends from claim 3, and claim 6 depends from claim 5. The Applicants respectfully submit that these dependent claims incorporate the patentable aspects of their respective parent claim, and are therefore allowable for the reasons submitted above. Accordingly, the Applicants respectfully request withdrawal of the rejection, allowance of claims 1-6, and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper,

may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 107156-00031.**

Respectfully submitted,

A handwritten signature in cursive script, reading "Rhonda L. Barton", written in dark ink.

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